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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 3rd day of April 1998

B E F O R E

THE HON'BLE MR. JUSTICE CHANDRASHEKARAI AH

WRIT PETITION No.9990/1998

BETWEEN :

Sri Somashekara,
S/o. Late Huchappa,
Age: 49 years,
R/at No.5,
Deepa Krupa,
I Cross, 2nd Main,
Kasturbanagara,
Mysore Road,
Bangalore - 560 020.

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.. PETITIONER

(By Sri. K.L. Manjunath, Adv.)

AND :

1. The Commissioner,
Bangalore Mahanagara Palike,
Bangalore.
2. The Assistant Executive
Engineer, Bangalore
Mahanagara Palike,
Jagjivanramnagar,
Binnypet Area,
Bangalore.
3. Sri. M. Vasudeva,
S/o. L. Muniyappa,
R/at No.3107, 8th Cross,
14th A Main Road,
R.P.C. Layout,
Bangalore.

.. RESPONDENTS

(R3 is deleted as per
Court order dt.3.4.98)

(By Sri. Ashok Haranahalli, Adv.)

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This Writ Petition is filed under Article 226 of the Constitution of India with a prayer to direct R1 and R2 to initiate action under Section 321(1) (2) (3) of K.M.C. Act against the R3 and to demolish the building which has been constructed contrary to Annexure-D and to bring the building as per the sanctioned plan.

This Writ Petition coming on for preliminary hearing this day, the Court made the following:-

O R D E R

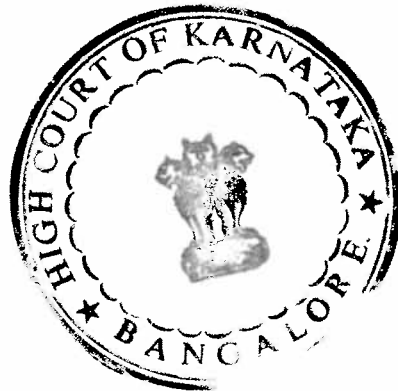
The complaint of the petitioner is that one Sri. Vasudeva has constructed a building contrary to the ^{Approved plan &} ~~above complaint~~. It is further the case of the petitioner that though he has made a complaint to the Corporation, the Corporation has not taken any steps in this regard. When once a complaint is made alleging illegal construction contrary to the ^{Approved plan &} ~~complaint~~, it is just and necessary to the Corporation to take steps as provided under Section 321 of the K.M.C. Act. In the instant case, the Corporation has not taken any steps. ^{Therefore} It is appropriate to issue following directions.

2. In the result I pass the following order:
This Writ Petition is allowed. The direction is

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is: issued to the Corporation to consider the complaint or representation made by the petitioner as per Annexure-B and C after due notice to Sri. Vasudeva under Section 321 of the K.M.C. Act as expeditiously as possible.



Sd/-
JUDGE

CS/-